



Resolution

2nd Floor
151 Buckingham Palace Road
London
SW1W 9SZ
Telephone: 020 7811 2700

February 2019
FOI_3591

The following information was requested on 16 January 2019:

Grievances by NHS Resolution staff

1. *Please advise for each of the years*

2018/19 year to date

2017/18

2016/17

2015/16

2014/15

2013/14

How many grievances were lodged by NHS Resolution staff?

2. *For the total number of grievances in the period 2013/14 to 2018/19 year to date, please advise how many of the grievances were upheld.*

3. *If the information is held centrally,*

a) *Please give a broad breakdown of the demographics of staff who raised grievances in the whole period (2013/14 to 2018/19 year to date)*

b) *Please give a broad breakdown of the types of grievances raised in the whole period (2013/14 to 2018/19 year to date)*

[You clarified on 18 January 2019]

1) *By demographics, I mean staff characteristics such as Race, Age, Gender and disabled status*

2) *By types of grievances, I mean whatever classification the trust adopts, assuming that it does so.*

For example, grievances about bullying and harassment, pay disputes, issues about working conditions, complaints of reprisal after whistleblowing etc...

Our Response

Please find below the information we are able to provide in response to your request.

We are unable to provide the information requested in the way you require it owing to the very low numbers of grievances, disclosure of information at this level of granularity is considered to

be exempt under Section 40(2) by virtue of section 40(3) (a) (i) of the Freedom of Information Act (FOIA), where disclosure to a member of the public would contravene one or more of the data protection principles. In this case, the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be sensitive personal data (the data subjects' race & disability), NHS Resolution believes it has a greater responsibility to protect those individuals' identities, as disclosure could potentially cause damage and/or distress to those involved.

The information requested falls within the definition of Personal Data under the General Data Protection Regulation (GDPR) where disclosure of the information to you would contravene at least one of the data protection principles contained in Article 5 of the GDPR, and in particular in this case, the First Principle.

Taking into consideration the Data Protection Principles, and in particular the requirement to process personal data fairly and lawfully, in determining whether it would be fair to disclose third party personal data, we have considered the following:

Reasonable expectations of the data subjects: *the data subjects here have a legitimate expectation of privacy concerning their personal information and would not anticipate it being placed into the public domain;*

Balancing an individual's rights and the legitimate interests: *We have weighed individuals' privacy rights against the legitimate interests in disclosure and have concluded that the disclosure of the withheld personal information would constitute a disproportionate and unwarranted interference with the individuals' privacy rights.*

The data subjects have a reasonable expectation of Privacy, where to disclose their Personal Data to you would mean disclosing their personal data to the world at large. In terms of fairness, data subjects would not reasonably have expected their Personal Data to be made public. Furthermore disclosure of such information could be regarded as unduly intrusive.

The exemption from the duty to disclose personal data where to do so would breach one of the data protection principles is an absolute exemption so the public interest test does not apply.

Information which relates to an individual's health is also confidential and therefore would be exempt under s. 41 FOIA.

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Tinku Mitra](#), Head of Corporate and Information Governance for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information

Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

FOI: 3591

Period – Calendar year	Numbers	Upheld	Sex	Age range	Race	Disability	Grievance Type
2013 - 2015	5	No	All Female	26-48	Withheld	Withheld	Cases involved the following:- Concerns regarding inappropriate behaviour. Concerns regarding application policy.
2016 – 17	5	No	Involved Male and Female (we cannot confirm precise numbers for each gender due to Data Protection reasons)	39-53	Withheld	Withheld	Cases involved:- Concerns regarding working conditions. Concerns regarding application of policy. Concerns regarding inappropriate behaviour.
2018	5	No	Involved Male and Female (we cannot confirm precise numbers for each gender due to Data Protection reasons)	26-49	Withheld	Withheld	Cases involved:- Concerns regarding application of policy. Concerns regarding inappropriate behaviour.